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CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

OLC 74-1856/a

4 SEP 1974

Mr. Stanley Ebner, General Counsel  
Office of Management and Budget  
Washington, D. C. 20503

Dear Mr. Ebner:

This is in reply to your letter dated August 21, 1974, requesting our comments concerning a proposed Executive Order entitled, "To Protect the Rights of Individuals with Respect to Records Maintained About Them by Federal Agencies."

It is understood that the purpose of Section 5(b) of the proposed Order is to exempt the records of the Central Intelligence Agency from all provisions except for sections 2(b), 3(b), and 4(c)(1) through 4(c)(4). However, in view of the introductory phrasing of section 5, it might be argued that the exemption does not apply to CIA records disseminated to other agencies.

In the interest of clarifying this ambiguity, it is requested that Section 5 be revised along the following lines:

"Sec. 5. Except for subsections 2(b), 3(b), and 4(c)(1) - (4) --

"(a) the head of an agency may exempt from all or part of the provisions of this Order any portion of a system of record which is:"

[NOTE: To conform to the format of the proposed Order redesignate subparagraphs (a) and (c) through (g) as subparagraphs (1) through (6), respectively.]

"(b) systems of records, or any portion thereof, maintained or originated by the Central Intelligence Agency shall be exempt from the provisions of this Order."

With the above change, we offer no objection to the issuance of the proposed Executive Order.

Sincerely,

/s/ W. E. Colby

W. E. Colby  
Director

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